

In The United States Patent Office

5

10

15

In re Application of Venkata
TARUR *et al.*

Serial No. 10/568,732
Filed 3 May 2005

COMMUNICATION

REMARKS

20

The 4 February 2009 Office Action at page 2, ¶ 3 says, “No Information Disclosure Statement has been filed in the instant application.”

25

The instant application includes both an International Search Report (listed in PAIR as the 17 February 2006 “Documents Submitted with 371 Application”) and a copy of each of the references listed in that search report (listed in PAIR as the “Foreign Reference” and NPL Documents” filed 17 February 2006). Further, the 17 February 2006 Transmittal Letter to the United States (PTO Form PTO-

1390) at page 3, ¶ 20, says that this application when filed included “ISR w/
References.”

Patent Office procedure requires the examiner to consider this art in the first
Office Action. *See* Manual of Patent Examining Procedure § 609(II) (“The
5 examiner will consider the documents cited in the international search report in a
PCT national stage application where the form PCT/DO/EO/903 indicates that
both the international search report and the copies of the documents are present in
the national stage file.”).

=> Applicant therefore respectfully asks the Examiner to supplement page 2, ¶ 3
10 of the 04 February 2009 Office Action with a statement confirming that the
Examiner has in fact complied with Office procedure and considered those
references.

Respectfully submitted on behalf of the Applicant by its attorneys,
15 PHARMACEUTICAL PATENT ATTORNEYS, LLC

/mark pohl/
Mark POHL, Esq., Reg. No. 35,325
20 55 Madison Avenue, 4th floor
Morristown, New Jersey 07960-7397 USA

25 SD:/USV/Applications/11.568,732 Communication